

SUBCHAPTER M : SOLID WASTE TECHNICIAN TRAINING AND CERTIFICATION PROGRAM

§330.381. Purpose and Applicability.

(a) The purpose of this rule is to establish a procedure and requirements for training and certification of solid waste technicians who are or who may become engaged in the management and/or operation of a municipal solid waste management facility and for training and certification of solid waste technicians who are or who may become engaged in the collection or transportation of municipal solid waste.

(b) This rule is applicable to persons who wish to be provided a Letter of Competency by the Texas Department of Health that recognizes that the solid waste technician meets or exceeds the standards established in this section. Additional training requirements for persons engaged in management of hazardous waste are established in §330.333(e) of this title (relating to General).

§330.382. General.

(a) Section 1 of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, establishes the policy of the state and the purpose of the Act which is to safeguard the health, welfare, and physical property of the people, and to protect the environment, through controlling the management of solid wastes.

(b) Section 3(a) of the Act designates the Texas Department of Health as the solid waste agency with respect to the management of municipal solid waste.

(c) Section 4(g) of the Act encourages the owner or operator of a solid waste facility to employ as site manager a solid waste technician holding a Letter of Competency from the department. The Act authorizes the department to develop a program for the training of solid waste technicians and to prescribe standards of training. Under the Act, the department is authorized to award categories of Letters of Competency, with each category reflecting a different degree of training or skill and to require a reasonable fee to be paid by participants. The department may extend or renew letters and may withdraw a letter for good cause.

(d) Section 4(e) of the Act gives each state agency the power to require and issue permits authorizing and governing the operation and maintenance of solid waste facilities used for the storage, processing, or disposal of solid waste.

(e) The Texas Department of Health has issued "Municipal Solid Waste Management Regulations" that cover the standards and requirements for the management of municipal solid waste to include collection, transportation, handling, storage, processing, and disposal. Regulations are established for both hazardous and nonhazardous solid waste.

§330.383. Classification of Municipal Solid Waste Sites.

The requirements for classification of municipal solid waste sites will be the same as those contained in §330.41 and §330.42 of this title (relating to Classification of Municipal Solid Waste Sites.)

§330.384. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. Other definitions, pertinent to specific sections, are contained within the appropriate sections.

Approved technical institute - An institution, either public or private, organized to provide technical training in solid waste management, offering courses of instruction which have been approved by the department for training credits and having, as a minimum, an instructor who:

(A) has at least two years full-time or an equivalent part-time experience as a professional instructor in this or a closely-related field plus three years solid waste experience; or

(B) has completed courses of instruction offered by the Engineering Extension Service's Vocational Industrial Teacher Education Division to include methods of teaching vocational industrial subjects, organization and use of instructional materials and human relations for vocational teachers plus three years solid waste experience; or

(C) can demonstrate qualification and instructor experience equivalent to the above plus three years solid waste experience.

Board of Health - Texas Board of Health.

Collection - The act of removing solid waste (or materials which have been separated for the purpose of recycling) for transport elsewhere.

Collection system - The total process of collecting and transporting solid waste. It includes storage containers; collection crews, vehicles, equipment, and management; and operating procedures. Systems are classified as municipal, contractor, or private.

Commissioner - Commissioner of Health

Committee - Advisory Committee for the Solid Waste Technician Training and Certification Program.

Department - Texas Department of Health

Disposal - The discharge, deposit, injection, dumping, spillage, leaking, or placing of any solid waste or hazardous waste (whether containerized or uncontainerized) into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Engineering Extension Service - Texas Engineering Extension Service, Texas A&M University System.

Experience - Actual experience gained from participating as a principal operator, foreman, supervisor, or manager of a solid waste facility appropriate to the respective class of Letter of Competency or other solid waste management experience approved by the department.

Hazardous waste - A solid waste (or combination of solid wastes) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

(A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed; and is identified or listed as a hazardous waste by the administrator, U.S. Environmental Protection Agency (EPA), pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.

Letter of Competency - The letter issued by the department stating that the solid waste technician has met or exceeded the requirements for training and certification for the specified classification of the program.

Management - The systematic control of any or all of the following activities of generation, source separation, collection, handling, storage, transportation, processing, treatment, recovery, or disposal of solid waste.

Municipal solid waste - Solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste.

Processing - The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of hazardous waste, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material from the waste, or so as to render such waste nonhazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

Sanitary landfill - A facility for the land disposal of solid waste which complies with all applicable standards and regulations so as to ensure that there is no reasonable probability of adverse effects on health or the environment from disposal of solid waste as such facility.

Site operator - The holder of, or the applicant for, a permit (or license) for a municipal waste site.

Solid waste - Any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities, but does not include:

(A) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to the Texas Water Code Chapter 26 (relating to Water Quality Control);

(B) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or

(C) waste materials which result from activities associated with the exploration, development, or production of oil or gas and are subject to control by the Railroad Commission of Texas.

Solid waste facility - All contiguous land, and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste. A facility may be publicly or privately owned and consist of several processing, storage, or disposal operational units.(e.g., one or more landfills, surface impoundments, or combinations of them).

Solid waste technician - An individual who is trained in the practical aspects of the design, operation, and maintenance of a solid waste facility in accordance with standards, rules, or orders established by the Board of Health.

Storage - The holding of solid waste for a temporary period, at the end of which the solid waste is processed, disposed of, or stored elsewhere.

Training credits - Credits awarded for participating in training courses, conferences, meetings or seminars, correspondence courses, or other activities approved by the department.

§330.385. Administration.

(a) Committee.

(1) Membership and appointment. An 11-member advisory committee for the Solid Waste Technician Training and Certification Program will be appointed by the commissioner. Members will be selected as follows:

(A) one member recommended by each of the state organizations representing the Public Works Association, Governmental Refuse Collection and Disposal Association, and the National Solid Waste Management Association;

(B) one member from a state university or technical institute offering extension courses in solid waste management;

(C) one member representing a public health region of the Texas Department of Health;

(D) one member who is a council member, mayor, or city manager from a city that operates a solid waste facility and is recommended by the Texas Municipal League;

(E) one member who is a county judge or county commissioner from a county that operates a solid waste facility and is recommended by the Texas Association of Counties;

(F) two members from a public or private solid waste management organization who are principal operators or supervisors of active solid waste facilities or collection systems who meet the basic qualifications for certification at the Class A level;

(G) two members from the general public.

(H) where an organization or association fails to nominate a person, the commissioner may appoint a person for that position.

(2) Term of office.

(A) Members will be selected to a three-year term, and no member shall serve more than two consecutive three-year terms.

(B) A person may serve on the committee only so long as he represents the association or category for which he was appointed.

(3) Organization.

(A) Annually, the committee will select from its members a chairman and such officers as may be needed to conduct business.

(B) A quorum of the committee will be a majority of its appointed members.

(4) Responsibilities. The committee will:

(A) assist and advise in promulgating rules of procedure or policies to develop and administer the training and certification program;

(B) identify and recommend legislation that is designed to increase the effectiveness of the program;

(C) assist the department in identifying training needs and make recommendations for developing training programs and testing protocol;

(D) assist the department in evaluating training and experience records of applicants to establish the level of classification for which the applicant is qualified; and

(E) promote the program and encourage owners/operators to employ technicians certified under the program.

(5) Reimbursements. Members of the committee may be reimbursed for travel, lodging, and meals when expenses are incurred in connection with the performance of duties of the committee. Reimbursement will be in accordance with established travel and per diem rates for state employees.

(b) Department.

(1) The commissioner, guided by the Board of Health, will have overall responsibility for the administration of the program. He may delegate to the chief, Bureau of Solid Waste Management, those functions necessary to administer and operate the program.

(2) The department will establish training and testing requirements to determine the qualifications of the solid waste technician. The department will consider the recommendations of the committee when establishing these qualifications.

(3) The department shall provide a member to the committee, appointed by the commissioner from a public health region. Further, the department shall:

- (A) provide administrative and secretarial services to the committee;
- (B) provide meeting places for the committee;
- (C) maintain records of transaction of the committee meetings;
- (D) maintain records of correspondence;
- (E) maintain records of solid waste technicians who apply for letters of competency or participate in the training program;
- (F) obtain, assemble, and evaluate documents and information from applicants;
- (G) prepare, administer, or arrange for the giving of tests or examinations to applicants;
- (H) grade tests or examinations for determining the competency of solid waste technicians;
- (I) issue the appropriate letter of competency to successful applicants;
- (J) notify unsuccessful applicants of test results and or deficiencies in eligibility for certification; and
- (K) notify persons possessing a letter of competency when that letter is up for renewal.

§330.386. Application for Letter of Competency.

- (a) Solid waste technicians desiring a letter of competency from the department shall submit an application on a standard form, signed under oath, setting forth the applicant's qualification.
- (b) Applications for renewal or for higher classification shall be submitted on a standard form, signed under oath, and shall include necessary documentation to establish the applicant's qualification.
- (c) The applicant shall include the payment of required fees.

§330.387. Qualification.

- (a) Requirements for letter of competency. Except as provided in subsection (d) of this section, all individuals issued a letter of competency shall meet the following requirements based upon education, experience, and training credits earned (which includes an examination).

- (1) Class A letter of competency (solid waste facility operation):

training credits;

- (A) high school graduate or equivalent, five years experience, and 120 hours of

- (B) eight years experience and 120 hours of training credits; or

- (C) college education obtained from an accredited institution may be substituted for experience on the basis of one year of education for one year of experience, up to a maximum of four years.

(2) Class B letter of competency (solid waste facility operation).

training credit;

- (A) high school graduate or equivalent, four years experience, and 80 hours of

- (B) six years experience and 80 hours of training credit; or

- (C) college education obtained from an accredited institution may be substituted for experience on the basis of one year of education for one year of experience, up to a maximum of three years.

(3) Class C letter of competency (solid waste facility operation):

training credit;

- (A) high school graduate or equivalent, two years experience, and 40 hours of

- (B) four years experience and 40 hours of training credit; or

- (C) college education obtained from an accredited institution may be substituted for experience on the basis of one year of education for one year of experience, up to a maximum of one year.

(4) Class D letter of competency (collection system):

training credit;

- (A) high school graduate or equivalent, two years experience, and 40 hours of

- (B) four years experience and 40 hours of training credit; or

- (C) college education obtained from an accredited institution may be substituted for experience on the basis of one year of education for one year of experience, up to a maximum of one year.

(5) Provisional letter. A provisional letter may be issued upon either of the conditions outlined in subparagraphs (A) and (B) of this paragraph. A provisional letter is not renewable and an applicant must agree to complete any lacking requirements for the standard letter within the time

specified by the department and before the expiration of the provisional letter. A provisional letter shall require the same application fee and shall be issued for the same term as the corresponding letter of competency.

(A) Persons may be awarded a provisional letter in each class upon completing the required training credits (which includes passing an examination), completing six months in a position of responsibility that equates to the class of letter applied for, and possessing the minimum education requirements for that class, but lacking the required experience.

(B) Persons may be awarded a provisional letter in each class upon demonstrating that they meet the education and experience requirements of paragraphs (1)-(4) of this subsection, but lack the required training credits.

(6) Solid waste technician in training. An individual engaged in or who expects to be engaged in a solid waste management activity who does not meet the education, training, or experience requirements established for a letter of competency or provisional letter, may be issued a letter Solid Waste Technician in Training after performing duties similar to those performed by a solid waste technician for six months or after enrolling in a program of training to qualify for a letter of competency. The solid waste technician in training letter may be issued upon application and substantiation of these requirements. Such letter is nonrenewable and expires on the day before the anniversary of the date the letter was awarded.

(7) Waiver of training credit requirements. An applicant meeting the education and experience requirements of a letter may submit a written request to the department for a waiver of training credit requirements. The department may grant such a request if the applicant has passed the appropriate examination offered by the department.

(b) Training credits. Training credits, for purposes of this section, may be earned by successfully completing the course of instruction (which includes passing the required examinations) for each classification which has been approved by the department and given by the Engineering Extension Service, accredited universities, approved technical institutes, or other formal programs approved by the department.

(1) Class A-Complete the training required for Class B and C and complete 40 hours of approved additional training credits (which includes an examination).

(2) Class B-Complete the training required for Class C and complete 40 hours of approved additional training credits.

(3) Class C-Complete 40 hours of approved training credits (which includes an examination).

(4) Class D-Complete 40 hours of approved training credits (which includes an examination).

(c) Examination.

(1) Written examination will be used in determining the knowledge, ability, and judgment of a candidate. Upon petition, the department may use an oral examination to establish a candidate's qualification for a Class C or D letter of competency.

(2) Examinations will normally be given by the department in conjunction with the training offered by the Engineering Extension Service accredited universities, approved technical institutes, or other formal programs approved by the department. Examinations may be offered at other times as the need is determined by the department.

(3) Correctly answering 70% of the questions on an examination constitutes a passing grade.

(d) Certification by the commissioner. Persons currently engaged or who have been engaged in the operation or supervision of a solid waste facility or in the operation or supervision of a collection system, for at least six continuous months since January 1, 1979, who apply for a letter of competency by December 31, 1983, and demonstrate education, training and experience substantially equivalent to the requirements in subsection (a)(1)-(4) of this section, (relating to Qualification) and who are recommended by the committee, may be awarded the appropriate class of letter of competency by the commissioner.

(e) Term of the letter of competency. The letter of competency shall be issued for a term of four years and shall expire on the day before the anniversary of the date the letter was awarded.

§330.388. Renewal.

A letter of competency may be renewed, unless revoked for cause, by examination or by training credits. For renewal without examination, the applicant shall make application no later than 90 days prior to expiration of the current letter and shall provide evidence of training credits as follows. Renewal of letters of competency without examination requires that the applicant complete approved training courses offered by the Engineering Extension Service, accredited universities or approved technical institutes, or other formal programs approved by the department.

(A) Class A-40 hours.

(B) Class B-32 hours.

(C) Class C-24 hours.

(D) Class D-24 hours.

§330.389. Revocation.

The commissioner may revoke a letter of competency if it is found that the person to whom the letter is issued has practiced fraud or deceit in making the application for a letter of competency or in performance of duties as a solid waste technician or that reasonable care of judgment was not used in performance of duties. The decision may be appealed in accordance with the Administrative Procedure and Texas Register Act.

§330.390. Recommendations for Solid Waste Facility Owners/Operators.

(a) Pursuant to §4(g) of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(g), the Board of Health recommends and encourages owners or operators of municipal solid waste facilities to employ at each site a solid waste technician who holds a letter of competency or provisional letter of competency from the department. The Board of Health finds that:

(1) solid waste facilities that fail to meet department operating standards result in large measure from lack of knowledge of good operating practices and lack of understanding of the sections and permit requirements pertaining to the facility;

(2) citizen opposition to siting of replacement facilities is based in part on inadequate control at existing facilities;

(3) remedial action to correct improper operations is more costly to the operator than continuous practice of good operating procedures;

(4) persons meeting qualifications, successfully completing training and testing requirements and/or recognized by the department develop a sense of professionalism and pride in their position; and

(5) the employment of qualified persons increases efficiency and safety, lowers maintenance and operating costs, and reduces the potential of health and environmental risks associated with solid waste processing, storage, and disposal.

(b) The Texas Board of Health further recommends that owners or operators of municipal solid waste facilities use the following guidelines to determine the appropriate class of letter needed for a facility or management activity.

(1) Class A letter of competency-Management and supervisory personnel of solid waste facilities and activities serving a population equivalent of 5,000 persons or more.

(2) Class B letter of competency-Personnel responsible for the site operations of solid waste facilities and activities serving a population equivalent of 5, 000 persons or more.

(3) Class C letter of competency-Operators and/or supervisory personnel of solid waste facilities and activities serving a population equivalent of less than 5, 000 persons; or persons other than management and supervisory personnel employed at any facility where it is desired that such persons hold a letter of competency.

(4) Class D letter of competency-Operators or supervisory personnel who are engaged exclusively in municipal solid waste collection activities.

(c) Owners/operators of Type I and Type IV landfills serving less than a population equivalent of 10,000 people may request a waiver of the requirements of subsection (b)(1) or (b)(2) of this section. The department may grant a waiver where the petitioner has established and provided adequate assurances that the site can be operated in accordance with the municipal Solid Waste Management Regulations and any special provisions of the permit.

§330.391. Fees.

(a) The following fees are established for initial application whether qualifying with or without examination.

(1) Class A-\$40.

(2) Class B-\$30.

(3) Class C-\$20.

(4) Class D-\$20.

(b) Fee for renewal shall be \$20 for each class.

(c) Letters for solid waste technician in training shall be issued without fee.